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IN THE

Supreme Court of the United States

October Term, 1968

No. 258

MORRIS H. KRAMER,
Appellant,

v.

UNION FREE SCHOOL DISTRICT NO. 15, RAYMOND S. BARON, JESSE CESTARI, RALPH J. EDSEL, J. GIBSON FRUIN, HARDON DEIXEL, ELLIOT A. NORWALK, and HAROLD S. ROSENFELD,
Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

SUPPLEMENTAL BRIEF FOR APPELLEES

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Statement

Pursuant to Rule 41, subdivision 5 of the Rules of this Court, and supplementing Point II, Item C of appellees' Motion to Affirm, there is appended hereto as Appendix A a copy of a Concurrent Resolution of the Senate and Assembly of the State of New York, Senate Bill No. 43, 1969-1970 Regular Sessions, introduced by Senator Greenberg, which was pre-filed and which will be introduced on January 8, 1969.

The resolution proposes an amendment to Section I of Article II of the Constitution, in relation to qualifications for voting.

The text of the proposed amendment speaks for itself, except that it should be pointed out that the term "special district" referred to therein, does not include a school district. New York State statute law defines the term "special district" as excluding a school district (*cf.* New York State General Municipal Law, Section 30).

The purpose of submitting this document is to show that, as indicated in our Motion to Affirm, the political processes involved in the cause at bar are adequate, available and actually in progress.

The dissent below refers to the comparatively small number of persons "disfranchised" by New York State Education Law, Section 2012 as a basis for the claim of inadequacy of the political processes in this connection. It is submitted that the inclusion of similar propositions in the recently defeated Constitutional Convention and the introduction of the Concurrent Resolution attached hereto contradict such an assumption of inadequacy.

Respectfully submitted,

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APPENDIX A

STATE OF NEW YORK

43

1969-1970 Regular Sessions

IN SENATE

(Prefiled)

January 8, 1969

Introduced by Mr. GREENBERG—read twice and ordered printed and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

Proposing an amendment to section one of article two of the constitution, in relation to qualifications for voting

Section 1. Resolved (if the Assembly concur), That section one of article two of the constitution be amended to read as follows:

Section 1. Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is twenty-one years of age or over and shall have been a resident of this state, and of the county, city, or village for three months next preceding an election *and a resident of the election district in which he offers his vote for thirty days next preceding an election. There shall be no property or any other qualification or test to vote in any election except the legislature may provide*

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

that the ownership of property shall be a qualification for voting in an improvement or special district election and, in primary elections, party enrollment may be required.

Notwithstanding the foregoing provisions, after January first, one thousand nine hundred twenty-two, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, unless such person is also able, except for physical disability, to read and write English.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.